

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, June 6, 1935.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Chas. F. Alford, C.M. Bartholome Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The reading of the Minutes was deferred.

Councilman Wolf offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WETHERSFIELD ROAD, beginning at a point 15 feet west of and 92 feet south of the intersection of the east line of Wethersfield Road and the south line of Niles Road;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 15 feet west of and parallel to the east line of said Wethersfield Road for a distance of 75 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in NELLIE STREET, beginning at a point 7½ feet south of and 7½ feet west of the intersection of the north line of Nellie Street and the east line of Bouldin Avenue;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 7½ feet south of and parallel to the north line of Nellie Street, to a point that is 7½ feet east of the west line of South 5th Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in SOUTH FIFTH STREET, beginning at a point opposite the south line of Nellie Street and 7½ feet east of the west line of South 5th Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 7½ feet east of and parallel to the west line of said South 5th Street, to a point that is 30 feet north of the north line of Nellie Street.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution .

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, Otto H. Buas, owner of Lot 1 and the west 15 feet of Lot 2, Block A, of Canterbury Square, a subdivision within the City limits of the City of Austin, Travis County, Texas, which property abuts the south side of East 1st Street and the east side of Waller Street, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the south side of East 1st Street adjacent to the above described property, the new curb of which setback will be 6 feet south of and parallel to the established south curb line of said East 1st Street, thereby lessening the traffic hazard at this location by creating a greater width of travelway on East 1st Street; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Otto H. Buas, owner of Lot 1 and the west 15 feet of Lot 2, Block A, of Canterbury Square, a subdivision within the city limits of the City of Austin, Travis County, Texas, which property abuts the south side of East 1st Street and the east side of Waller Street, is hereby granted permission to set the curb back from the established curb line on East 1st Street adjacent to the above described property.

Permission to construct the above described curb setback is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-H-448 and is made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on East 1st Street shall be carried out in accordance with the accompanying plan marked 2-H-448 and that all such widened areas, driveways or ramps and curbs shall be constructed of concrete at the expense of the applicant.
- (2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2 $\frac{1}{2}$ parts of sand, and 4 parts of screened gravel or rock.
- (3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than $\frac{3}{4}$ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-H-448.
- (4) That all such expansion joints shall be of the pre-moulded type.
- (5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.
- (6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his expense.
- (7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

A report of Tom Neal, Captain Police, Traffic Division, recommending that the taxicab licenses of R. H. Comer and O. I. Leach be cancelled, was read.

Councilman Wolf offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT, after hearing, at which the licensee was fully and fairly heard, the license on taxicab No. 14, issued to R. H. Comer, be and the same is hereby cancelled; provided, however, that said cancellation shall not take effect until ten days hereafter, in which time J. E. Haire shall purchase said taxicab from said R. H. Comer, and in such event, the existing license on same will be transferred to J. E. Haire, but otherwise said

cancellation shall take effect.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT, after full and fair hearing thereon, the permits, heretofore issued to R. H. Comer and O. I. Leach to drive automobiles licensed to carry passengers for hire on the streets of the City of Austin, be and the same are severally revoked.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and J. E. Motheral, City Engineer, and G. S. Moore, Engineer in direct charge of P. W. A. Docket No. 2863, Project No. 68-a, being the project for the construction of a main outfall concrete and cast iron sewer line from the present sewage disposal plant to the proposed sewage disposal plant for the City of Austin, Texas, have reported that said project has been completed by Froemming Brothers, Inc., of Texas, contractor, in accordance with the approved plans and specifications, and in compliance with the rules and regulations of the Administration of Public Works, and in an acceptable manner to the P. W. A. Inspector, and have recommended to the City Council the final acceptance of the project and structure and the payment of the final estimate due thereon; and

WHEREAS, the City Council has inspected said project and the works thereunder, and is of the opinion that same should be finally accepted; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said project and the works thereunder is hereby accepted as finally completed, and the City Manager be and is hereby authorized and directed to approve the final estimates, and to issue warrants in payment thereof, and the City Manager is further authorized and directed to release the contractor from any further liability in connection with said work, and to authorize the cancellation of the bonds guaranteeing the successful completion of the project.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

"May 31, 1935.

Mr. Guiton Morgan
City Manager
Austin, Texas.

Dear Sir:

In compliance with Paragraph 25 of the General Conditions of the Agreement in the specifications of the contract between the City of Austin, Texas, and Froemming Brothers, Incorporated, of Texas, Contractor, for the construction of a main outfall sewer (P.W.A. Docket No. 2863; Project No. 68a), I issue this Certificate of Final Acceptance of the structure and certify that the structure has been constructed in accordance with the plans and specifications and that the work in all respects meets with the approval of the State P. W. A. Engineer.

Respectfully submitted,

(Sgd) J. E. Motheral,
City Engineer.

G. S. Moore,
Chief Inspector of PWA
Docket No. 2863. "

Councilman Wolf offered the following resolution:

WHEREAS, according to the map or plat of Newning's Re-subdivision of Blocks 13 and 2A, of Swisher's Addition within the city limits of the City of Austin, Travis County, Texas, which map or plat of said Newning's Re-subdivision appears in Plat Book 1, at page 44, of the Plat Records on file with the County Clerk of Travis County, Texas, an alley is shown between Lots 10 and 11, and Lots 20 and 21, and another alley is shown between Lots 10 and 21 and Lot 9; and

WHEREAS, said alleys have never been opened for public use; and

WHEREAS, the owner of all the land adjacent to said alleys has had same enclosed for more than twenty years; and

WHEREAS, the owner, Mrs. Nora Eck, of all property adjacent to said alleys has had same re-subdivided and has provided a north and south alley running through the block in lieu of the alleys heretofore shown by said plat of Newning's Re-subdivision which provides a public way sufficient for all public purposes; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the alley extending east and west between Lots 10 and 11 and Lots 20 and 21 and also the alley extending north and south between Lots 10 and 21 and also the alley extending north and south between Lots 10 and 21 and Lot 9, as shown by the plat of Newning's Resubdivision of Blocks 13 and 2A, of Swisher's Addition within the City limits of the City of Austin, Travis County, Texas, according to a map or plat of said Newning's Resubdivision appearing in Plat Book 1, at page 44, of the Plat Records on file with the County Clerk of Travis County, Texas, be and the same are hereby permanently vacated and closed.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

"Austin, Texas
June 6, 1935

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF AUSTIN, TEXAS.

As a special agent for Mrs. Nora Eck, owner of the west portion of Block 13 and all of Block 2A of the Swisher Addition to the City of Austin, Texas, which is located on James, Newton, and Gibson Streets in South Austin, Texas, I am hereby requesting you to consider and to officially vacate two alleys in said block which have been continuously enclosed by Mrs. Nora Eck or by other members of the Eck family and have never been opened or used for any public purpose, as she is resubdividing her property and has had an alley laid out which she is dedicating in lieu of those alleys which she is asking to have closed.

Respectfully submitted,

(Sgd) E. H. Yeiser,
Special Agent and Attorney. "

Councilman Wolf moved that, upon the recommendation of Tom Neal, Captain of Police, Traffic Division, George C. Pilgrim, 506 Walsh Street, Roy Gene Shelton, of Lake Austin, and Jack Blus, 903 Spence Street, be approved as taxicab drivers. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf moved that, upon the recommendation of Tom Neal, Captain of Police, Traffic Division, Henry Cauthen, 305 Willow Street, and F. Clifton Hill, 1011 East 15th Street, be granted conditional permits to drive taxicabs. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

In accordance with published notice thereof, the hearing on the proposal of the City Council to amend the Use designation of the property fronting on the west side of Rio Grande

Street from West 24th Street to the alley between 26th and 28th Streets, being more particularly the following lots in Division "D", Outlot 47, Mathis Subdivision, Lots 2R and 2Q, Watson Subdivision, Lots 1, 2, 3, and P, Outlot 52, Lots 7, G, 1, H, and I, and all other property lying between Rio Grande and Salado Streets from West 26th Street north to the alley, approximately 220 feet south of 28th Street, from "A" Residence District to "B" Residence District, was declared open .

No one appearing to protest the proposed change, Councilman Wolf moved that the City Attorney be instructed to prepare the proper ordinance. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, in the original subdivision of Beau Site Addition to the City of Austin, according to plat recorded in Travis County Deed Records in Plat Book No. 2, Page 184, an alley is shown between Lots or Blocks 2 and 3, and an alley is shown between Lots or Blocks 1 and 2 and Lot or Block 7; and

WHEREAS, said alleys have never been opened for public use; and

WHEREAS, J. R. Bailey is owner of all of the land adjacent to said alleys; and

WHEREAS, J. R. Bailey has subdivided his property and has conveyed to the public other streets, public ways, and easements sufficient for all public purposes; and

WHEREAS, J. R. Bailey has agreed to, and does hereby grant an easement for the maintenance of electric lines of the City of Austin now existing in the alley lying between Lots or Blocks 2 and 3 until such time as he may require their removal; and

WHEREAS, J. R. Bailey has further agreed that when he requests the City of Austin to abandon said easement that an estimate shall be made by the City Electrical Engineer of the cost necessary to continue service from the point of abandonment of the present electric line to the then nearest practical point of the City Electric Distribution System as determined by the City Electrical Engineer, and that J. R. Bailey shall then tender to the City of Austin a sum of money equal to said estimate for the purpose of paying for the removal of the now existing line and for constructing such additional lines as may be necessary to continue present electric service; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the alley running east and west between Lots or Blocks 1 and 2 on the north and Lot or Block 7 on the west and south as shown by plat of Beau Site Addition to the City of Austin as recorded in Travis County Deed Records in Plat Book No. 2, Page 184, be and the same is hereby permanently vacated and closed; and that the alley running north and south and lying between Lots or Blocks 2 and 3 as shown by plat of Beau Site Addition to the City of Austin as recorded in Travis County Deed Records in Plat Book No. 2, Page 184, be and the same is hereby permanently vacated and closed, save and except that an easement is retained in the alley lying between Lots or Blocks 2 and 3 for the purpose of the City of Austin's maintaining its present electric light lines until such time as J. R. Bailey has made an official request for the removal of said electric lines and has tendered the City of Austin a sum of money equal to the cost, estimated by the City Electrical Engineer, of said removal and revised electric service; and that after removal of the present electric line that the easement for maintaining an electric line in said alley shall be void and of no effect.

Councilman Wolf moved that the above resolution be adopted, contingent upon a satisfactory dedication of the streets . The motion carried by the following

vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed, in behalf of the City of Austin, to sell to N. J. Rabensburg, for the consideration of Twelve Hundred and Fifty Dollars (\$1250.00), \$250.00 cash and the balance evidenced by four promissory notes, in the principal amounts of \$100.00, \$100.00, \$100.00, and \$700.00, respectively, due six months, twelve months, eighteen months and two years after date, respectively, all bearing interest at 7% per annum, the following described land, to-wit: .

Lot No. Twenty-one (21), of "Shoal Creek Boulevard Lots," a subdivision of certain land by the City of Austin lying between West 19th Street and West 24th Street, in Out-lots 28, 29, and 42, Division "D", in the City of Austin, Travis County, Texas, according to the map or plat of said subdivision as recorded in Plat Book No. 3, page 218, of the Plat Records of Travis County, Texas.

The above resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Walter Bremond be and he is hereby elected City Treasurer of the City of Austin for the period beginning June 6, 1935, and ending December 31, 1935, upon the following conditions:

1. That the City Treasurer so elected shall give bond to the City of Austin, with corporate surety, in the sum of \$75,000, for the faithful performance and discharge of his duties.

2. That the City Manager be and he is hereby authorized and directed to deposit in equal amounts the funds of the City of Austin in the Capital National Bank, the American National Bank, and the Austin National Bank, which banks are hereby designated as depositories of the City of Austin, upon condition that each of the said banks shall deliver to the City Manager for the City of Austin and as security for said deposits, respectively, collateral as hereinafter defined, in the amount of \$200,000, respectively; provided that whenever the balance of the City of Austin is less in each of said banks than \$200,000, the collateral required from such bank may be reduced to the extent of such balance.

3. That the collateral hereinabove required may be the direct or indirect obligations of the United States Government, general revenue warrants of the State of Texas, City of Austin school warrants, City of Austin bonds, Travis County bonds, other municipal and county bonds, but in any event any and all of such collateral must be appraised and approved by the City Manager before being accepted as such; and that all of the collateral received by the City of Austin for the purposes above stated shall be deposited by the City Manager in the safety deposit box of the City of Austin in the Austin National Bank.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

There being no further business, Councilman Alford moved to recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed at 1:00 P. M.

Attest:

Halle McKellar, City Clerk

Approved:

Tom Miller
Mayor.